

REMARKS

Claims 1, 2 and 9-11 were pending and under consideration. Claims 3-8 and 12 were withdrawn from consideration.

In the Office Action of July 10, 2008, claims 1 and 2 were rejected as anticipated by Kageyama (USP 4865405). Claims 9-11 were rejected as obvious in view of Kageyama and Arfsten et al. (USP 4568578).

In response, claims 1-12 have been cancelled and replaced with new claims 13-18.

Each of independent claims 13 and 16 requires the first optical layer of the optical multilayer film to have a relatively higher refractive index and the second optical layer of the optical multilayer film to be a relatively low refractive index.

In Figure 1 of the present application, such a resultant structure is shown. In Figure 1, a 5 layer optical multilayer film 12 is shown having 3 first optical film layers 12H (relatively higher refractive index) and 2 second optical film layers 12L (relatively lower refractive index).

Further, each of independent claims 13 and 16 require the layers in the optical multilayer film to be limited to between 3 and 7.

In contrast, in the Kageyama filter, the layers 1-1 and 2-1 closest to the base 3 have a relatively lower refractive index and the second layers 1-2 and 2-2 have a relatively higher refractive index. This is opposite the presently claimed invention. Additionally, the number of layers clearly is not limited to 3-7. Indeed the layers on the bottom surface of the base 3 in Figure 2 are 19 in total.

In addition to providing examples outside of the present claims, Kageyama nowhere suggests reversing the layers. As such, Kageyama fails to teach or suggest at

least two limitation set forth in the independent claims. Further, There is nothing in Arfsten et al. disclosing or suggesting modifying Kageyama's structure in anyway to fall within these limitations.

Therefore, the cited art in any combination fails to disclose or even suggest the claimed subject matter of the independent claims, and hence the dependent claims 14-15 and 17-8. Accordingly, claims 13-18 are patentable over the cited art and the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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